

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 30, 2008. At the time of the Office Action, Claims 1, 3-6, and 8-12 were pending in this Application. Claims 1, 3-6, and 8-12 were rejected. Claims 1 and 8 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. § 102**

Claims 1, 3-11 and 13-14 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,011,537 issued to Benjamin Slotznick ("*Slotznick*"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Amended independent claim 1 includes the limitation "*after receiving the plurality of data but prior to displaying the received data, separating the received data into a plurality of elements*". Thus, the data that have been received must not only be configured to be displayed at the same time, but must have been fully received. This limitation does not encompass receiving partial data and immediately displaying it while the remaining data is received.

The Examiner stated that *Slotznick* discloses a plurality of data configured for simultaneous display from an information source at col. 6, lines 28-32. However, *Slotznick*

does not disclose to separate the received data into a plurality of elements after receiving the plurality of data but before displaying the received data. Throughout the disclosure, *Slotznick* makes clear that his invention uses otherwise idle time to download further information. For example, a web page may have primary and secondary information. While a user is experiencing displayed data (primary information), the device gets and processes secondary data. To this end, *Slotznick* states:

*In contrast to the prior art discussed above, the apparatus, device or method of the present invention reduces user wait time and machine wait time by distinguishing secondary information from primary information and treating each differently, as follows: 1. Secondary information is downloaded and stored in fast memory, while primary information is experienced.*  
*Slotznick*, col. 11, lines 7-13.

*The present invention effectively uses time that would otherwise be wasted by either machine or user. Consider the following situation. In the prior art, when a user reads text on a screen (or otherwise listens to or senses information played or displayed), many machines wait idly for the user's next command. (This is referred to herein as "machine wait time"). Also with prior art, when many machines attack a process-intensive task, such machines force the user to wait idly for the machine to complete the job and display the processed data. (This is referred to herein as "user wait time").*

*The present invention (a) uses what would otherwise be machine wait time to retrieve and process secondary information and (b) uses what would otherwise be user wait time to display secondary information.*

*More particularly, with the present invention, while a user is reading text on a screen (or otherwise experiencing displayed data), the device gets and processes secondary data--thereby reducing machine wait time. When the user wishes to see (or experience) the secondary data, that data does not have to be retrieved and processed, so that upon user command it will be displayed nearly instantaneously--thereby reducing user wait time. In addition, while the*

*device is getting and processing additional primary data, the user can read (or experience) secondary data previously retrieved--also reducing user wait time.*

*Slotznick*, col. 11, lines 38-63. Throughout the specification, *Slotznick* emphasizes the term “user wait time.” However, the present invention is directed to a different problem, namely, that the screen size of small mobile device is not big enough to display all the information intended to be displayed on a web page. Therefore, as claimed in amended independent claim 1, all data of a web page must be present at the receiver to determine which of the partial data (elements) is omitted from display and can be displayed upon providing a trigger signal to the device.

Hence, Applicants believe that all amended independent claims are allowable in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

### CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants respectfully submit a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of \$130.00 required to Deposit Account 50-2148 in order to effectuate this filing.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'A. Grubert', with a stylized flourish at the end.

Andreas Grubert  
Reg. No. 59,143

Date: January 28, 2009

SEND CORRESPONDENCE TO:

Baker Botts L.L.P.

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